

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION**

STATE OF TEXAS,

*Plaintiff,*

v.

The UNITED STATES OF AMERICA;  
DAVID PEKOSKE, Acting Secretary of the  
United States Department of Homeland  
Security, in his official capacity; UNITED  
STATES DEPARTMENT OF HOMELAND  
SECURITY; TROY MILLER, Senior Official  
Performing the Duties of the Commissioner of  
U.S. Customs and Border Protection, in his  
official capacity; U.S. CUSTOMS AND  
BORDER PROTECTION; TAE JOHNSON,  
Acting Director of U.S. Immigration and  
Customs Enforcement, in his official capacity;  
U.S. IMMIGRATION AND CUSTOMS  
ENFORCEMENT; TRACY RENAUD,  
Senior Official Performing the Duties of the  
Director of the U.S. Citizenship and  
Immigration Services, in her official capacity;  
U.S. CITIZENSHIP AND IMMIGRATION  
SERVICES,

*Defendants.*

Civ. Action No. 6:20-cv-00003

**APPENDIX IN SUPPORT OF  
TEXAS'S MOTION FOR A PRELIMINARY INJUNCTION**

**EXHIBIT 14**

**DPS TEXAS CRIMINAL ILLEGAL ALIEN DATA**

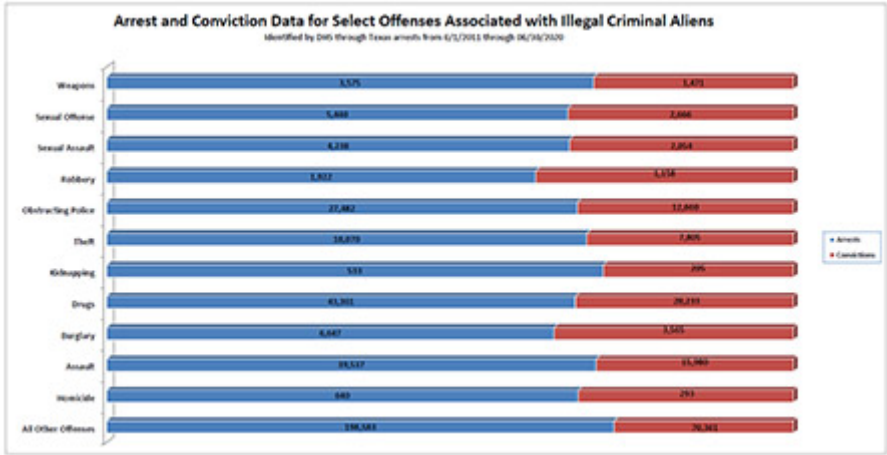
# Texas Criminal Illegal Alien Data

The Department of Public Safety and local law enforcement agencies in Texas participate in the Department of Homeland Security’s (DHS) Priority Enforcement Program (PEP). Participation in PEP enables DHS to work with state and local law enforcement to take custody of individuals who pose a danger to public safety before those individuals are released into our communities. In Texas, PEP begins at the local level when an individual is arrested and booked by a Texas law enforcement officer for a criminal violation of Texas law. The arrested individual’s fingerprints are submitted to the Texas DPS and subsequently to the FBI for criminal history and warrant checks. This same biometric data is also sent to DHS’ IDENT database so that ICE can determine the person’s immigration status and whether the individual is a priority for removal, consistent with the DHS enforcement priorities. The immigration status information is returned to DPS by DHS. The following report is based upon the status indicators provided to the DPS. For the purposes of this report, the term “criminal alien” refers to an individual who has been identified as an alien by DHS and who has been arrested for a state criminal offense, typically a Misdemeanor B or higher, committed in Texas.

## Lawful Presence Determined Through PEP

According to DHS status indicators, over 334,000 criminal aliens have been booked into local Texas jails between June 1, 2011 and January 31, 2021, of which over 228,000 were classified as illegal aliens by DHS.

Between June 1, 2011 and January 31, 2021, these 228,000 illegal aliens were charged with more than 368,000 criminal offenses which included arrests for 681 homicide charges; 42,698 assault charges; 6,950 burglary charges; 45,557 drug charges; 590 kidnapping charges; 18,662 theft charges; 28,892 obstructing police charges; 2,050 robbery charges; 4,505 sexual assault charges; 5,651 sexual offense charges; and 3,871 weapon charges. DPS criminal history records reflect those criminal charges have thus far resulted in over 143,000 convictions including 300 homicide convictions; 16,864 assault convictions; 3,707 burglary convictions; 20,763 drug convictions; 223 kidnapping convictions; 8,000 theft convictions; 13,012 obstructing police convictions; 1,217 robbery convictions; 2,146 sexual assault convictions; 2,749 sexual offense convictions; and 1,527 weapon convictions.



[Enlarge chart](#)

These figures only count individuals who previously had an encounter with DHS that resulted in their fingerprints being entered into the DHS IDENT database. Foreign nationals who enter the country illegally and avoid detection by DHS, but are later arrested by local or state law enforcement for a state offense will not have a DHS response in regard to their lawful status and do not appear in these counts. However, in addition to the PEP program, DHS actively adjudicates the immigration status of individuals incarcerated in the Texas prison system. From 2011 to date, the Department of Criminal Justice (TDCJ) has provided DPS with information on more than 29,000 individuals who were identified by DHS as in the country illegally while they were

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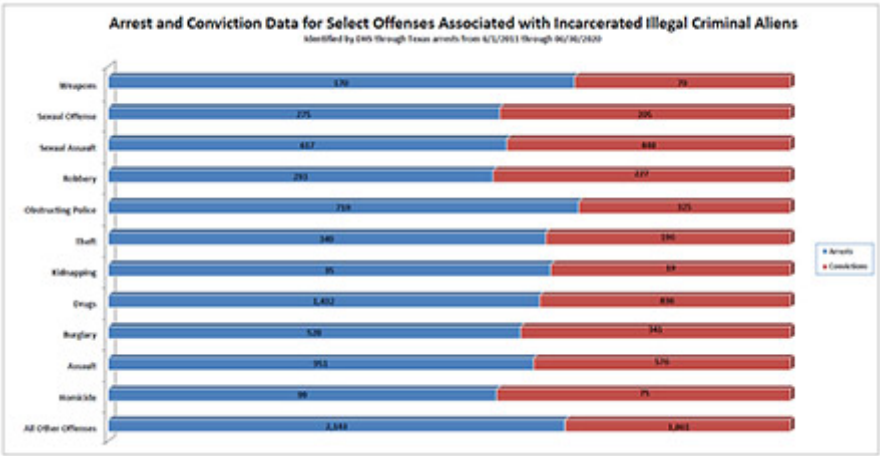
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incarcerated at TDCJ. 10,450 of these individuals were not identified through the PEP program at the time of their arrest. DPS does not know the current incarceration status of the individuals identified while they were incarcerated nor when their alien status was initially determined.

Lawful Presence Determined While Incarcerated at TDCJ

Between June 1, 2011 and January 31, 2021, these 10,450 individual identified as illegal aliens while in prison, but who were not previously identified through PEP, were charged with more than 7,000 criminal offenses which included arrests for 100 homicide charges; 979 assault charges; 529 burglary charges; 1,455 drug charges; 36 kidnapping charges; 364 theft charges; 741 obstructing police charges; 301 robbery charges; 632 sexual assault charges; 282 sexual offense charges; and 173 weapon charges. DPS criminal history records reflect those criminal charges have thus far resulted in over 4,000 convictions including 76 homicide convictions; 589 assault convictions; 344 burglary convictions; 847 drug convictions; 21 kidnapping convictions; 200 theft convictions; 323 obstructing police convictions; 231 robbery convictions; 448 sexual assault convictions; 210 sexual offense convictions; and 79 weapon convictions.



Enlarge chart

Because DPS does not know the date these individuals were identified as illegal while in prison, the count of charges for which this population was arrested between June 1, 2011 and January 31, 2021 does not necessarily align with the size of the population of illegal aliens identified while in prison. A more accurate assessment can be seen when examining this population’s entire Texas criminal history and not just for offenses committed during this time period (see the Historical Data section of this report). However, for this report, in order to be consistent with the timeframe utilized to provide counts of arrest and conviction for the population identified through PEP, we have limited the arrest and conviction counts for prison identified illegal aliens to the same June 1, 2011 to January 31, 2020 time frame used for individuals identified through PEP.

Report Notes

These figures do not attempt to allege that foreign nationals in the country illegally commit more crimes than other groups. It simply identifies thousands of crimes that should not have occurred and thousands of victims that should not have been victimized because the perpetrator should not be here. It is also important to note that these figures represent the minimum number of crimes associated with criminal illegal aliens:

- These figures only count arrests in Texas for state offenses. These individuals may have criminal records in other states.
- These figures only represent offenses and convictions that are associated with arrest events that occurred between June 1, 2011 and January 31, 2021.
- The criminal activity for individuals identified as illegal while in prison is under represented for this time period because they may have been incarcerated during the time frame used in this report.
- These figures do not count federal criminal charges.
- These figures do not include similar data for foreign nationals who are lawfully in the country and commit state criminal offenses.
- Individuals whose lawful presence was determined while in prison may or may not be currently incarcerated.

# Historical Data

Because individuals identified as being illegally present in the country may have had a Texas criminal history prior to their immigration status being known to law enforcement, DPS has traditionally published criminal history data for an alien’s entire criminal history.

## Lawful Presence Determined Through PEP

According to DHS status indicators, over 334,000 criminal aliens have been booked into local Texas jails between June 1, 2011 and January 31, 2021, of which over 228,000 were classified as illegal aliens by DHS.

Over the course of their entire Texas criminal careers, these 228,000 illegal aliens were charged with more than 555,000 criminal offenses which included arrests for 1,210 homicide charges; 64,323 assault charges; 17,037 burglary charges; 70,506 drug charges; 912 kidnapping charges; 32,700 theft charges; 47,931 obstructing police charges; 4,070 robbery charges; 6,804 sexual assault charges; 8,051 sexual offense charges; and 7,995 weapon charges. DPS criminal history records reflect those criminal charges have thus far resulted in over 247,000 convictions including 556 homicide convictions; 26,896 assault convictions; 8,723 burglary convictions; 35,242 drug convictions; 343 kidnapping convictions; 15,130 theft convictions; 23,282 obstructing police convictions; 2,235 robbery convictions; 3,484 sexual assault convictions; 4,223 sexual offense convictions; and 3,441 weapon convictions.



[Enlarge chart](#)

## Lawful Presence Determined While Incarcerated at TDCJ

From 2011 to date, the Department of Criminal Justice (TDCJ) has provided DPS with information on more than 29,000 individuals who were identified by DHS as in the country illegally while they were incarcerated at TDCJ. 10,450 of these individuals were not identified through the PEP program at the time of their arrest. DPS does not know the current incarceration status of the individuals identified while they were incarcerated nor when their alien status was initially determined. Over the course of their entire Texas criminal careers, these 10,450 individual identified as illegal aliens while in prison, were charged with more than 47,000 criminal offenses which included arrests for 1,930 homicide charges; 5,643 assault charges; 3,588 burglary charges; 6,763 drug charges; 341 kidnapping charges; 2,695 theft charges; 3,697 obstructing police charges; 2,424 robbery charges; 2,985 sexual assault charges; 1,151 sexual offense charges; and 1,563 weapon charges. DPS criminal history records reflect those criminal charges have thus far resulted in over 25,000 convictions including 1,150 homicide convictions; 2,870 assault convictions; 1,961 burglary convictions; 3,964 drug convictions; 152 kidnapping convictions; 1,275 theft convictions; 1,664 obstructing police convictions; 1,636 robbery convictions; 1,923 sexual assault convictions; 718 sexual offense convictions; and 616 weapon convictions.



[Enlarge chart](#)

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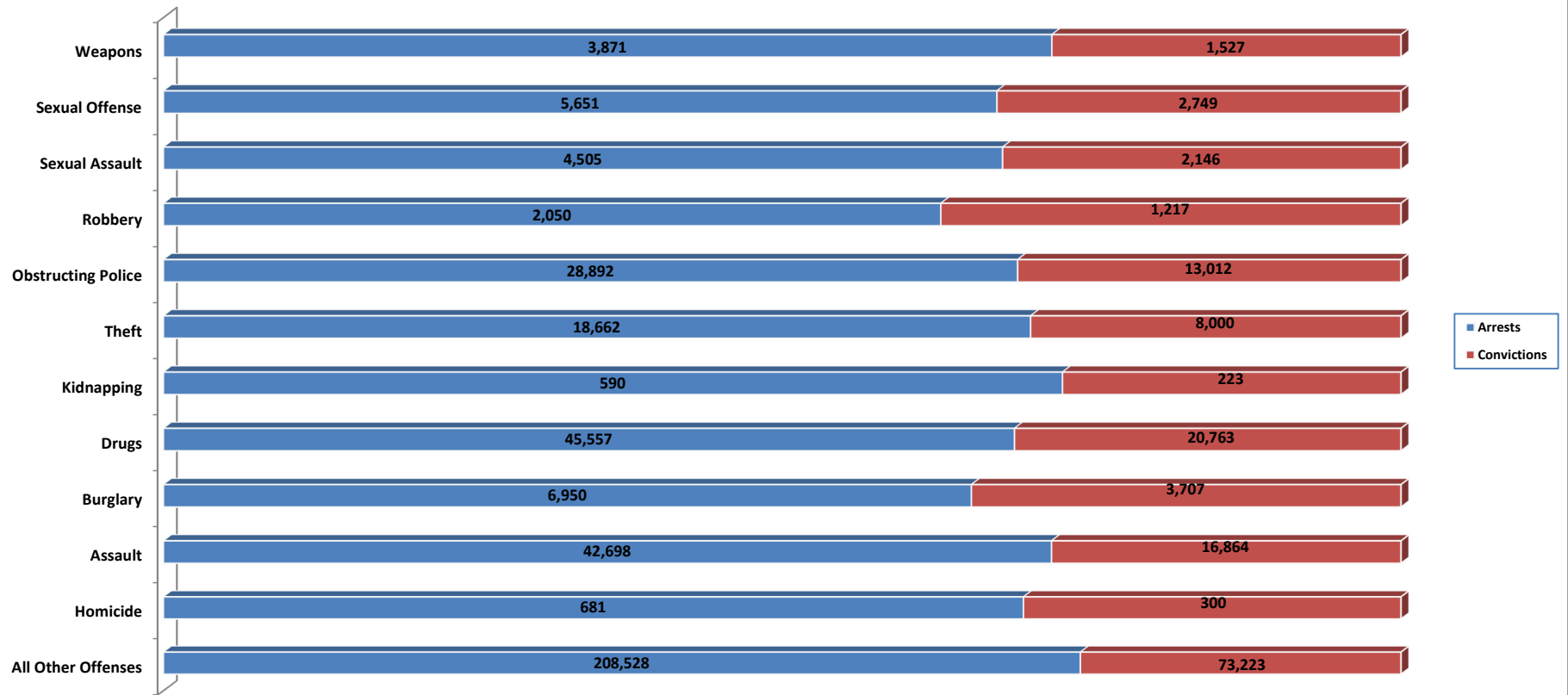
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## Arrest and Conviction Data for Select Offenses Associated with Illegal Criminal Aliens

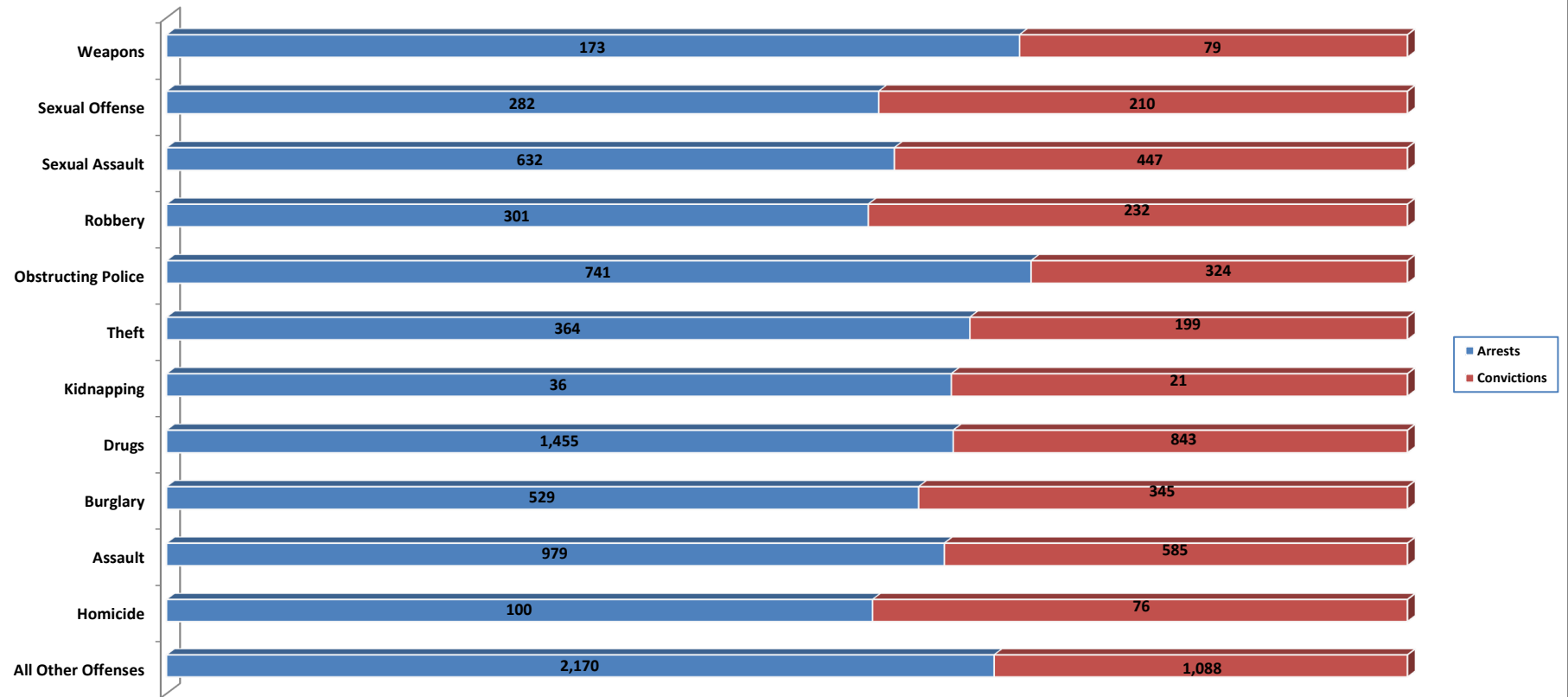
Identified by DHS through Texas arrests from 6/1/2011 through 01/31/2021





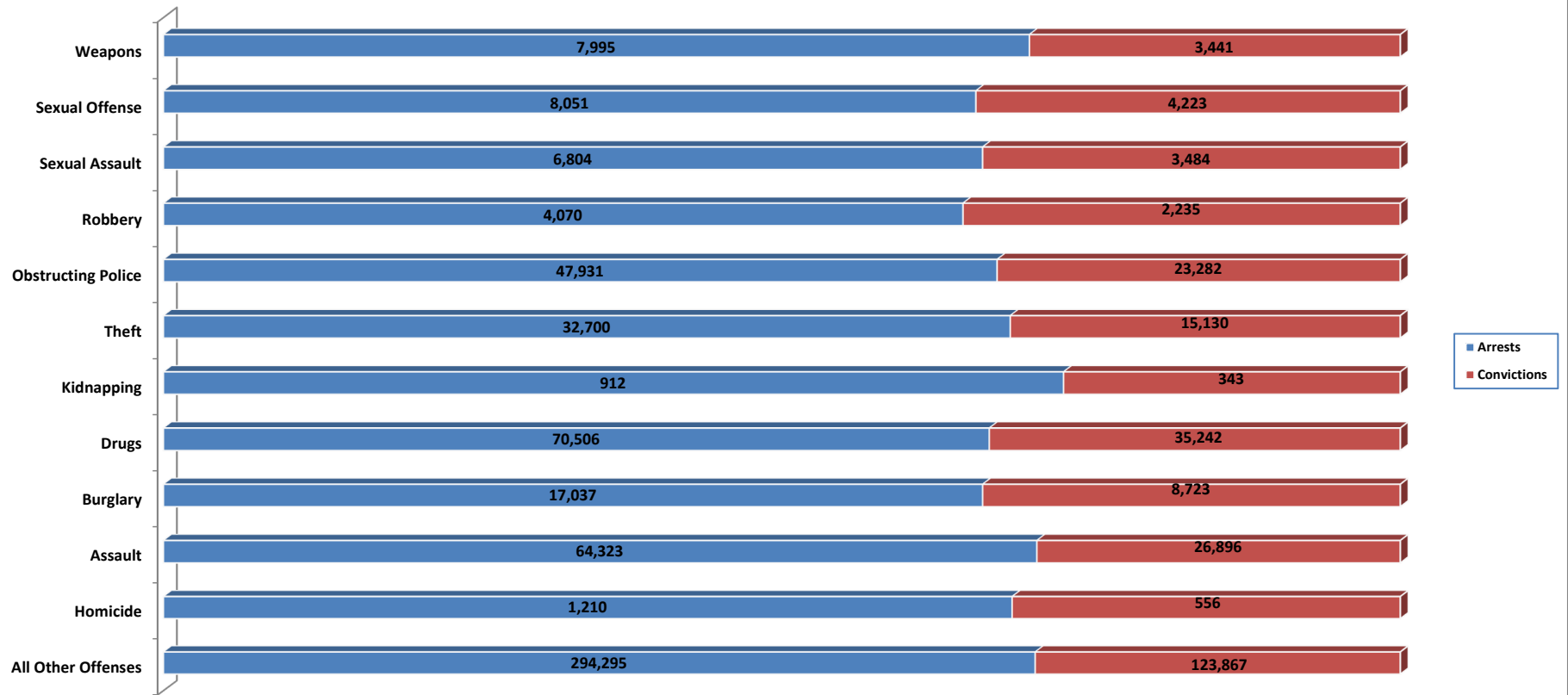
### Arrest and Conviction Data for Select Offenses Associated with Incarcerated Illegal Criminal Aliens

Identified by DHS through Texas arrests from 6/1/2011 through 01/31/2021



## Historical Arrest and Conviction Data for Select Offenses Associated with Illegal Criminal Aliens

Identified by DHS through Texas arrests





## Historical Arrest and Conviction Data for Select Offenses Associated with Incarcerated Illegal Criminal Aliens

Identified by DHS through Texas arrests

